

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BAY MANAGEMENT GROUP, LLC.,

*

Plaintiff,

*

v

* Civil Action No. ELH-21-2245

FORNEY TRACEY NICOLE ESTATE,
TRACEY NICOLE BRIGGS-HALL,

*

Defendants

*

MEMORANDUM

Defendants Forney Tracey Nicole Estate¹ and Tracey Nicole Briggs-Hall, who are self-represented, filed a Notice of Removal on September 1, 2021, with regard to “D-085-LT-20-037046,” and a notice of trial date issued by the District Court for Baltimore County, concerning a matter involving failure to pay rent. They did not pay the filing fee or move to proceed in forma pauperis.

A document that defendants submitted as the State court complaint appears at ECF 2, with multiple attachments. ECF 2-1. But, the case number on ECF 2 is illegible. ECF 2 at 1. And, I cannot determine whether it is an actual copy of the State suit.

Accordingly, by Order of September 10, 2021, defendants were directed to provide additional information to enable the court to discern whether there is actually a State court case as to defendants and, if so, whether this court has jurisdiction to consider it upon removal. ECF 3. Specifically, I granted defendants until October 1, 2021, to provide the case number in State court,

¹ The name of this defendant appears in several variations. I have used the name as it appears on ECF 1. The Clerk shall conform the docket.

along with additional information, to include the federal statutes or constitutional provisions implicated in the State case and facts in support thereof; a copy of the complaint filed in State court; the filing fee or a motion for leave to proceed in forma pauperis; and plaintiff's address. *Id.*

Defendants filed a host of federal forms on September 24, 2021, including those which may be used in bankruptcy proceedings, tax forms, a self-titled "bill of exchange," and largely incomprehensible documents written in the style often associated with adherents of "sovereign citizen" ideology. ECF 4 at 1-24, 32-55; ECF 4-1 at 2-33.² Defendants have also provided emails concerning overdue rent payments (ECF 4-1 at 34-38) and court records in cases, without any apparent relevance here. These documents do not respond to the court's Order.

On October 5, 2021, defendant Tracey Briggs-Hall filed a motion for leave to proceed in forma pauperis. ECF 5. I will grant that motion, based on the information provided.

Then, on October 18, 2021, defendants submitted various documents. ECF 6. Those include a copy of the "Notice Of Intent To File A Complaint For Summary Ejectment (Failure to Pay Rent)," filed by Bay Property Management Group, LLC of Baltimore, Maryland, under Md. Code, § 8-401(c) of the Real Property Article. *Id.* at 5.

Thereafter, on October 27, 2021, defendants filed an "Answer and Verified Complaint" (ECF 7), as well as attachments. ECF 7-1 to ECF 7-4. Defendants state they are bringing this "bill of equity" against the "State of Maryland County of Baltimore, both private corporations of THE STATE OF MARYLAND." ECF 7-1 at 1. Further, they assert, in part, ECF 7 at 1-2:

In the interest of law and justice mandates a hearing of Libel of Review pursuant to the Law of Nations and that said Claimants and for the protection of their person, property, estate and trust thereby enters their Complaint of Involuntary Servitude and Peonage due to wanton and malicious acts and threats, duress, coercion, fraud by Defendants in violation of the Laws of the forum of the

² The documents contain no information to suggest they were reviewed by the bankruptcy court or a federal agency. ECF 4 at 1 at 1-24; 32-55; ECF 4-1 at 2-33.

United States of America and the Law of Nations pursuant to 18 USC §§ 2, 3, 4, 113(b), 219.241, 242, 371, 654, 661, 709, 951, 1001, 1028, 1341, 1581, 1621, 1622, 1651, 1652, 1961, 1622, 1681, 1682, 1961, 2111, 2382, 42 USC Subsection 1983, 4, 5, 7, 9, 10, 1375 Amendments to the Constitution, Best Evidence Rule 1101.

In addition, defendants filed a copy of a notice issued by the District Court for Baltimore County, Maryland, dated October 27, 2021, showing that a trial date was set for November 1, 2021, to hear a complaint against Tracey M. Briggs-Hall for repossession of a rented property in case D085-LT-21-014230. ECF 7-2 at 1.

A civil action may be removed from state court to federal court if it is one over which the federal district court would have had original jurisdiction. 28 U.S.C. § 1441(a)). “[T]he mere assertion in a pleading that the case is one involving the construction or application of the federal laws does not authorize the District Court to entertain the suit.” *Burgess v. Charlottesville Sav. & Loan Ass’n*, 477 F.2d 40, 42 (4th Cir. 1973) (citing *Malone v. Gardner*, 62 F.2d 15, 18 (4th Cir. 1932)). If it appears that the federal district court lacks subject matter jurisdiction, the case must be remanded.” 28 U.S.C. § 1447(c). Ordinarily, the burden is on the removing party to establish the propriety of removal, including subject matter jurisdiction. *Bartels ex rel. Bartels v. Saber Healthcare Group, LLC*, 880 F.3d 668, 680 (4th Cir. 2019).

Defendants have not met their burden to show that this case involves a federal question under 28 U.S.C. § 1331. Nor have they shown diversity jurisdiction under 28 U.S.C. § 1332. Therefore, this court lacks subject matter jurisdiction as to this case.

The unexplained litany of citations to federal statutes provided here is insufficient to raise a federal question to confer jurisdiction. Further, defendants have not demonstrated complete diversity of citizenship between the parties, nor have they shown that the amount in controversy

satisfies the requirement needed to confer jurisdiction predicated on diversity of citizenship. 28 U.S.C. § 1332.

Accordingly, the case will be remanded to the District Court for Baltimore County, Maryland. A separate Order follows.

November 8, 2021

Date

/s/
Ellen L. Hollander
United States District Judge